

REMARKS/ARGUMENTS

Claims 1-6 were originally pending in the application. Claims 1 and 5 have been amended to indicate that the adhesive composition includes mixtures of abietic acid and other tricyclic diterpenecarboxylic acid having at least two conjugated C=C double bonds per molecule as emulsifier. Claims 7-20 have been added. Support for the amendments can be found at, for example, page 5, line 24 to page 6, line 5, page 7, lines 16-20, and the original claims. Claims 1-20 are now pending in the application.

New Claims 7 and 12 recite that the inventive adhesive composition includes as emulsifier, an unmodified resin acid including at least 40% by weight of abietic acid. Support for this particular limitation in the claims is found in the tables on page 6, where the compositions of unmodified resin acids that can be used in the invention are shown. The tables clearly indicate that the useful unmodified resin acids contain at least 40% by weight of abietic acid.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,926,880 to Esser et al. (hereinafter "Esser et al."). The Examiner indicates that Esser et al. discloses the present adhesive composition because dehydroabietic acid reads on the emulsifier of Claim 1.

Esser et al disclose stable aqueous dispersions that contain chloroprene containing polymers and an adesivefying resin. The aqueous dispersion may also include diproportionated abietic acid and abietic acid derivatives.

As amended, Claim 1 requires that the emulsifier include abietic acid. As Esser et al. do not disclose using abietic acid or require that it be included as in the presently amended claim, Esser et al. do not disclose all of the elements of the amended claim, therefore Esser et al. does not anticipate Claim 1 and the rejection should be withdrawn.

New Claims 7 and 12 require using modofied resin acids containing at least 40% by weight of abietic acid. Because Ester et al. do not disclose using a modified resin acid, or one containing at least 40% abietic acid, it does not anticipate new Claims 7 or 12.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as being obvious over Esser et al. The Examiner indicates that the open time would have been inherent.

Although Applicants do not agree with the Examiner's assertion, it is moot due to the amendment to Claim 1 as discussed above. Esser et al. do not disclose or provide any motivation to have a skilled artisan include abietic acid or modified resin acids containing abietic acid in an adhesive composition. Therefore, the rejection should be withdrawn.

Claims 2 and 4-6 stand rejected under U.S.C. § 103(a) as being obvious over Esser et al. As indicated above and as the Examiner has indicated, Esser et al. disclose using dehydro-, dihydro-, and tetrahydro-abietic acids as emulsifiers in the disclosed adhesive composition. Esser et al. provides no motivation to include abietic acid because Esser et al. do not disclose using a tricyclic diterpenecarboxylic acid having two conjugated C=C double bonds as in abietic acid. Therefore, the rejection under U.S.C. § 103(a) should be withdrawn.

Claims 1-3, 5, and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,212,780 to Fitzgerald (hereinafter "Fitzgerald").

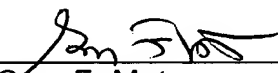
Fitzgerald discloses chloroprene polymer-phenolic resin-metal oxide-solvent adhesives, which contain a rosin which must contain less than 2.16 parts by weight based on polymer of dehydroabietic acid, a constituent of rosin.

Fitzgerald does not disclose using mixtures of abietic acid and other tricyclic diterpenecarboxylic acid having at least two conjugated double bonds per molecule as is recited in amended claim 1, therefore the rejection should be withdrawn.

Additionally, new Claims 7-20 are not anticipated by or made obvious over Fitzgerald because Fitzgerald does not disclose or in any way suggest including an adhesive resin containing a terphenol resin having a softening point above 110°C in the adhesive composition or including a thickening agent as in new Claims 7 and 12 respectively.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of Claims 1-20 are respectfully requested.

Respectfully submitted,

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